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The situation of democracy and human rights in Haiti

SECURITY COUNCIL
Forty-seventh year

Letter dated 10 March 1992 from the Permanent Representative of Haiti to the United Nations addressed to the Secretary-General

Acting on instructions from my Government, I have the honour to transmit to you the following:

1. A copy of the protocol of agreement between President Jean-Bertrand Aristide and the parliamentary negotiating commission to find a definitive solution to the Haitian crisis, signed in Washington on 23 February 1992 (annex I);

2. A copy of the protocol of agreement between President Jean-Bertrand Aristide and the Prime Minister-designate, René Theodore, under the auspices of the Organization of American States, signed in Washington on 25 February 1992 (annex II).

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the General Assembly, under agenda item 145, and of the Security Council.

(Signed) Fritz LONGCHAMP
Ambassador
Permanent Representative

ANNEX I

PROTOCOL BETWEEN PRESIDENT JEAN-BERTRAND ARISTIDE AND THE PARLIAMENTARY NEGOTIATING COMMISSION TO FIND A DEFINITIVE SOLUTION TO THE HAITIAN CRISIS

Article I

The signatory parties to this protocol recognize and acknowledge the principle of the urgent necessity for a concerted and negotiated solution to the political and institutional crisis which Haitian society has been experiencing since President Jean-Bertrand Aristide went into exile on 30 September 1991, and that this solution, in order to be viable and lasting, must be sought within the context of respect for the Haitian Constitution and for national sovereignty and must lead to:

National concord;

The establishment and consolidation of democratic institutions;

The implementation of measures to guarantee civil liberties, halt repression and prevent any attempts at revenge or settling of accounts.

Article II

With all these aims in view the signatory parties undertake to:

1. Encourage, consolidate and respect the principle of the separation of powers in accordance with the Constitution and, within that context, to work to set in place mechanisms for harmonization and collaboration so as to facilitate the establishment of the institutions provided for in the basic Charter;

2. Guarantee civil liberties and facilitate the free functioning of political parties and civic organizations in respect for the Constitution and the laws governing said organizations.

Article III

The Parties recognize the necessity for the Haitian Parliament, which is the co-depositary of national sovereignty, to:

1. Reinstate Jean-Bertrand Aristide in the exercise of his function as the constitutionally-elected President of the Republic of Haiti and undertake to assist the Government of national consensus to bring about the conditions for the return of Jean-Bertrand Aristide to Haiti;

2. Draw up and pass laws to set in place the institutions provided for in the Constitution, inter alia:

(a) The Act concerning territorial groups;

(b) The Act concerning separation of the police and the armed forces;

(c) The Act concerning operation of the citizens' protection bureau;

3. To facilitate, by laws and regulations, implementation of a policy of social peace and economic revival.

Article IV

The Parties recognize the necessity for President Jean-Bertrand Aristide to:

1. Respect the decisions taken and acts ratified by the Haitian Parliament. In the event of a disagreement between the executive and the legislative, it shall be possible for either party to refer to the Conciliation Commission, in accordance with article 111-5 of the Constitution;

2. Agree that, during his absence, the Prime Minister shall take over management of the affairs of State, in accordance with article 148 of the Constitution.

Article V

The Parties recognize the need to:

1. Proclaim a general amnesty, save for common criminals;

2. Refrain from any ambiguous statement which could be interpreted as an incitement to violence;

3. Accept the new consensus Prime Minister chosen by President Jean-Bertrand Aristide in consultation with the President of the Senate and President of the Chamber of Deputies;

4. Request the lifting of the embargo and the sanctions provided for in chapter I, paragraph 4 of resolution MRE-2/91 of the Organization of American States, immediately after confirmation of the Prime Minister and installation of the Government of national consensus;

5. Recognize their obligation to undertake all necessary measures with a view to putting national institutions in a context that will enable them to take all decisions within their competence, in complete freedom, without

having to suffer violent intervention, threats of violence from any force whatever;

6. Recommend to Parliament that it should, as a matter of urgency, approve the request of President Jean-Bertrand Aristide to OAS to send the civilian OAS-DEMOC mission to Haiti;

7. Request the Organization of American States and the international community to provide the Government of national consensus with substantial assistance as a matter of urgency so as to revitalize the Haitian economy, promote social well-being, professionalize the armed forces and the police and strengthen the democratic institutions;

8. Reject and condemn any intervention by foreign armed forces in the settlement of Haitian affairs.

DONE in good faith, in triplicate, at Washington, D.C., on 23 February 1992.

This protocol of agreement shall enter into force immediately after ratification by the National Assembly at the convocation of its President.

(Signed) Jean-Bertrand Aristide
President of the Republic of Haiti

(Signed) Dejean Belizaire
President of the Senate and of the
parliamentary negotiating commission

(Signed) Alexandre Médard
President of the Chamber of Deputies
and Vice-President of the
parliamentary negotiating commission

Witnesses:

DELEGATION OF THE PARLIAMENTARY COMMISSION

(Signed) Thomas Eddy Dupiton

(Signed) Jean-Robert Martinez

(Signed) Duly Brutus

(Signed) Joseph Lambert

DELEGATION OF PRESIDENT ARISTIDE

(Signed) Evans Paul

(Signed) Guy Alexandre

(Signed) Michael Gaillard

(Signed) Patrick Elíe

(Signed) Jean Molière

(Signed) Turneb Delpé

DELEGATION OF OAS-DEMOC

(Signed) Augusto Ramírez Ocampo

(Signed) Enrique Peinado Barrios

(Signed) Mario-Gonzalez Vargas

(Signed) Edwin Carrington

(Signed) John Biehl

(Signed) Lawrence Harrison

ANNEX II

PROTOCOL OF AGREEMENT BETWEEN PRESIDENT JEAN-BERTRAND ARISTIDE AND PRIME MINISTER-DESIGNATE, RENE THEODORE, UNDER THE AUSPICES OF THE ORGANIZATION OF AMERICAN STATES (OAS)

In order to establish a climate of confidence, restore the democratic order, stimulate the national economy, consolidate the institutions and facilitate the return to power of President Jean-Bertrand Aristide:

1. The undersigned parties recognize, in setting in motion the restoration of the constitutional order in Haiti, the importance of resolutions MRE/RES.1/91 and MRE/RES.2/91 of the ad hoc Meeting of Ministers for Foreign Affairs of member countries of the Organization of American States and resolution CP/RES.567 (870/91) of the Permanent Council of the Organization.

2. They recognize, in setting in motion the restoration of the constitutional order in Haiti, the importance of the "protocol between President Jean-Bertrand Aristide and the parliamentary negotiating commission to find a definitive solution to the Haitian crisis".

3. They recognize also that President Jean-Bertrand Aristide enjoys fully and completely his constitutional prerogatives as Head of State.

4. The parties pledge to take all necessary measures to guarantee public liberties and to halt all repression and reprisals. To that end, they recognize the necessity for the deployment, as quickly as possible, of the civilian OAS/DEMOC mission and of representatives of the Inter-American Commission on Human Rights.

They urge international organizations, in particular the United Nations, the organizations for the defence of human rights and the international press to spare no effort in their contributions to that endeavour.

5. The parties recognize the need to form a Government of national unity, whose programme will be drawn up - with the political parties represented in Parliament and which support this Government - by the Prime Minister together with the President.

6. In order not only to respect the vote of 16 December 1990 and the mandate relating thereto but also to guarantee the Prime Minister's responsibility for forming the government team, the parties agree that the President and the Prime Minister shall proceed, in agreement to choose the persons to fill the ministerial posts.

7. The parties recognize the need, once he has been confirmed, for the Prime Minister to work to create the conditions for the return of President Jean-Bertrand Aristide. In the meanwhile, the Prime Minister

undertakes to meet the President of the Republic, as far as possible every two weeks, to evaluate the functioning of the Government and the conditions of return.

For this meeting, they shall request a report from the Secretary-General of the Organization of American States to enable them to evaluate the assistance of that institution with regard to the progress of the return process. One month after ratification, the President of the Republic, the Prime Minister and the Secretary-General shall meet to determine the modalities of the return of the President of the Republic.

8. The President undertakes to provide the Prime Minister with all necessary collaboration and political support for the accomplishment of his task in accordance with the provisions of the Constitution.

9. The parties recognize the need to request the lifting of the embargo and other sanctions contained in chapter I, paragraph 4 of resolution MRE/RES.2/91 of the ad hoc Meeting of Ministers for Foreign Affairs of member countries of the Organization of American States, at the official request of President Jean-Bertrand Aristide, once the Prime Minister has been confirmed and the Government installed.

10. The parties undertake to give particular attention to the military institution with a view to professionalizing it and establishing better conditions, materially and as regards morale, that should enable it to participate in the democratic process and carry out its constitutional task.

11. The parties recognize the need to approach member countries of the Organization of American States and the United Nations, international organizations and the international community in general in order to obtain emergency assistance for the reconstruction of Haiti's economy and the technical and financial means required to strengthen its institutions.

Done in good faith in triplicate at Washington, D.C., on 25 February 1992.

(Signed) Jean-Bertrand ARISTIDE
President of the Republic of Haiti

(Signed) René THEODORE
Prime Minister-Designate

Signed under the auspices of the Organization of American States,

(Signed) Joao Baena Soares
Secretary-General